



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MARY F. MCTIGUE
DIRECTOR

May 17, 1989
AO-89-12

Brian J. Drummond
President, Support Our Schools
153 Redington Street
Swampscott, MA 01907

Dear Mr. Drummond:

This letter is in response to your request for an advisory opinion concerning the application of the provisions of M.G.L. c.55 to groups wishing to contribute to the candidacy of town meeting members.

You have stated that Support Our Schools (SOS) is an organization, one of whose stated purposes is to support town meeting member candidates for election to Swampscott's representative town meeting. Such support may include expending minimal amounts for such things as rental of meeting sites in public buildings, mailings and reproducing materials about candidates. You have stated that SOS supports candidates for no office other than town meeting member.

You have inquired whether or not the provisions of M.G.L. c.55 are applicable to the activities of SOS.

M.G.L. c.55 governs campaign finance activity for all Massachusetts state, county and municipal candidates. Its provisions also apply to all groups which raise and spend money on behalf of such candidates. Section 1 of M.G.L. c.55 defines a political committee as "any committee, association, organization or other group of persons, including a . . . municipal committee, which receives contributions or makes expenditures for the purpose of influencing the nomination or election of . . . candidates . . ."

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member candidates, would appear to be covered by M.G.L. c.55. Further analysis indicates, however, that the provisions of M.G.L. c.55 are not applicable to the activity of SOS in supporting candidates for the office of town meeting member.

Section 18(b) of M.G.L. c.55 prescribes the reporting requirements for each candidate for nomination or election to city or town office. Candidates for office of member of representative town meeting are specifically excluded from these reporting requirements. A group which raises and expends money solely to support candidates for the office of member of representative town meeting would therefore also not have reporting requirements under M.G.L. c.55.

It is the opinion of this office that the provisions of M.G.L. c.55 are not applicable to SOS so long as SOS supports only candidates for election to Swampscott's representative town meeting. Any activity undertaken on behalf of candidates for offices other than member of representative town meeting, including activity described in Article I, sections 2(c) and (d) of SOS's bylaws, may subject SOS to the reporting and disclosure provisions of M.G.L. c.55. For example, if SOS were to raise or expend monies for any candidate for any office other than town meeting member, for any referendum issue or any political party, M.G.L. c.55 would be applicable.

This opinion has been rendered solely on the basis of representations made in your letter and solely in the context of M.G.L. c.55.

Please do not hesitate to contact this office should you have additional questions.

Very truly yours,



Mary F. McTigue
Director

MFM-PLH/bah